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Senate Committee on Judiciary, Corrections, and Housing

Testimony of Senator Lena C Taylor

Senate Bill 406 – Parenting Plans

Tuesday, January 29th, 2008

Honorable Senators,

I want to thank each of you for hearing testimony today on Senate Bill 406, relating to parenting plans. I am pleased to be here this afternoon as the Senate author of this bill that I believe is important to our state's system of family law.

For the past two years, I was privileged to serve on the Joint Legislative Council's Strengthening Wisconsin Families Committee. Among the topics covered at length in the Committee was the use of parenting plans. Essentially, a parenting plan spells out a parent's proposed resolution to a child custody dispute. A standard parenting plan includes all of the following:

- Who will have custody of the children
- Who will have decision-making authority regarding children
- What arrangements will be made for childcare
- Where the parent will live
- Where the child will attend school
- Where and when will the parent work
- How child support and maintenance will be arranged

The law currently requires any parent seeking some form of legal custody to first file a parenting plan with the court. The requirement is in place because of the consensus that parenting plans ought to be encouraged. Among the virtues of parenting plans:

- Parenting plans serve as objective and fixed evaluations of the facts before a court and, so, help to reduce bickering during mediation and litigation
- Parenting plans provide courts with simple, straightforward information as to which of the parties to a custody dispute, if either, is best suited to meet the needs of the children involved
- Parenting plans allow both parties to a custody dispute to better understand what the other is asking, thereby promoting mediation, which is generally more efficient than litigation

Despite the legal requirement that parenting plans be submitted prior to custody disputes, we heard in the Committee that the parenting plan requirement was irregularly observed. For one thing, some judges opt to forego parenting plans and proceed directly to trial. For another, most parties to custody disputes

are unaware that they should even file a parenting plan. Thus, when it comes time for the court to evaluate the parenting plans in a custody dispute, there is frequently no documentation to be reviewed.

In my opinion, the most effective solution to the problem of under-enforcement of parenting plans is to deputize parents as well as judges. By requiring that parents be notified of their obligation to provide the court with a parenting plan, this bill helps ensure that parenting plans will be available for consideration in custody disputes. Having parenting plans on hand in such cases benefits parents, children, and courts. That is why I urge you to approve Senate Bill 406.